

MINUTES OF THE MEETING **AGENDA ITEM 1**
OF THE LITTLEHAMPTON HARBOUR BOARD
HELD IN COMMITTEE ROOM 1 AT THE ARUN DISTRICT COUNCIL CIVIC
CENTRE, MALTRAVERS ROAD, LITTLEHAMPTON ON
MONDAY 11TH JULY 2016 AT 10AM

Present: Mr P Bush (Chairman)
 Councillor Blampied
 Councillor Buckland
 Councillor Clayden
 Mr R O'Callaghan
 Mr Marchant
 Councillor Mockridge
 Mr T Squires
 Councillor Dr Walsh

In Attendance: Mrs S Simpson, Clerk to the Board
 Mr C Braby, Treasurer to the Board
 Mr B Johnson, Harbour Master
 Mrs J Harris (Notes Secretary)

33. WELCOME AND NOTICES

The Chairman welcomed everyone to the meeting.

34. MOBILE PHONES

Members and the public were reminded that the use of mobile phones (other than on silent) was prohibited at Harbour Board and Sub-Committee meetings.

35. APOLOGIES

Apologies were received from Councillors Elkins and Peters.

36. DECLARATIONS OF INTEREST

No declarations were made at this point.

37. MINUTES

37.1 It was **RESOLVED** that the Minutes of the meeting held on 23rd May 2016 (previously circulated) be approved and signed by the Chairman.

38. HARBOUR OPERATIONAL REPORT

The Harbour Master presented a report (previously circulated) which detailed the operational activities undertaken in the harbour since the last meeting. In addition, the Harbour Master updated the Board on the following matters:

38.1 Commercial Trade

The Harbour Master reported that the number of commercial visits in June had risen to two following the visit of the MV Falcon. It was noted that, following the successful completion of her visit, the Pilotage Directions would be amended to reflect the handling of this size of ship in the Harbour.

38.2 Leisure Trade

Leisure trade also had increased and the figure to the end of June had risen to 101 vessels. Presentation of the statistics had been altered to provide consistency in reporting following changes that had been made to the way in which overnight stays and visitors were recorded in the past. It was, however, considered that the revised format lacked meaningful data regarding usage over a long period and the Board therefore **RESOLVED** to:

Revert to the previous method of reporting until there was a more meaningful five year average available.

38.3 Conservancy Duty – Survey

It was noted that, following the completion of the survey of the Harbour by the Wessex Explorer, publication of the new chart would be slightly delayed to allow time for processing the data.

38.4 Safety MarNIS Report

Highlighting the three most recent safety reports, the Harbour Master explained how the reporting system was being used to record incidents. It was observed that accidents aboard passenger vessels should also be reported to the Marine Accident Investigation Branch by the skipper. The Harbour Master explained that recording incidents on MarNIS helped inform the running of the harbour, allowed data to be shared with interested parties through the Stakeholder's Consultation Group and provided assistance with the exchange of information between parties following an incident.

38.5 Littlehampton Economic Growth Area (LEGA) Development Delivery Study

Councillors Buckland and Dr Walsh declared personal interests in the following discussion as District Councillors. Councillor Mockridge declared a personal interest in this matter as a member of the Southern Regional Flood and Coastal Defence Committee.

Noting that the recently published LEGA Study suggested further development on the West Bank, it was considered important that the

Board be involved at an early stage in any discussions that might have an impact on the infrastructure of the Harbour. It was therefore **RESOLVED** that:

The District Council be asked to present information on the impact of the LEGA proposals on the West Bank to the Infrastructure Working Group and that the Board be kept informed of developments.

38.6 MEP VISIT

It was noted that, following the UK referendum on membership of the EU, this visit was being rescheduled.

38.7 Harbour Dues

The Harbour Master reported that the number of plaques issued had risen to 398 and was in line with the same period last year. It was noted that the new administration system provided efficient payment processing.

It was therefore **RESOLVED** that:

The contents of the Harbour Operational Report be otherwise noted.

39. TREASURER'S REPORT

- 39.1** The Treasurer presented a report which set out the income and expenditure statement and income analysis for the period to 31st May 2016 (previously circulated). It was noted that the completion of the new three year lease on Railway Wharf would soon generate income and that early discussions with the current lessee about the work required on the Customs House roof had been favourable. Following the resignation of a member of staff, the Harbour Master was recruiting to fill the role. It was **RESOLVED** that:

The Report be noted.

40. ANNUAL REPORT 2015/16

- 40.1** The Harbour Master presented the 2015/16 Annual Report (previously circulated). He briefly explained the contents of the report and the addition of a new Governance section was noted. Members complimented the Harbour Master and his team on the user friendly way in which the report was presented and it was **RESOLVED** that:

The publication of the LHB Annual Report for 2015/16 be noted.

41. OSBORNE OF ARUN SECTION 43 (LOCAL CONSENT) APPLICATION

- 41.1** The Harbour Master presented a report (previously circulated) which set out the background to the application by Osborne of Arun Group Management Ltd for piling and pontoons at North Yacht Berth / Arun Timber Docks. This was a

revised plan following earlier submissions (which had not met the requirements to ensure navigational safety in the area) and would enable the Heads of Terms document settling ownership issues between the Board and the applicant to proceed.

- 41.2** The Board considered the plans in detail and the discussion focussed on the impact of the proposals in terms of the safety of navigation in relation to harbour environment. The Harbour Master stated that, whilst the development would encroach into the river, he did not consider that it would have an adverse impact on the safety of navigation and he was therefore recommending that the works be approved. He also explained that, in the event that changes were sought after consent was given, these would be dealt with on a case by case basis, in accordance with the authority delegated by the Board to him and in consultation with the Chairman. Noting that any major issues would be referred back to the Board it was **RESOLVED** that:

Subject to the caveats set out in the report, a Section 43 (Local Consent) for the work be granted to Osborne of Arun Group Management Ltd.

42. DELEGATION OF STATUTORY POWERS RELATING TO DREDGING

- 42.1** The Board received a report (previously circulated) from the Harbour Master and the Clerk which set out options regarding the delegation of the Board's statutory powers relating to dredging. The Clerk explained that, the Littlehampton Yacht Club, who stated that, in the interests of working together for the greater good of the harbour requested that the Harbour Board's power of dredging be delegated to them and, so, obviate the need for them to obtain a Marine Licence. Examination of the legislation and advice obtained from the MMO showed that it was possible to delegate authority to a third party subject to the Board being satisfied that the dredging was carried out strictly in accordance with the provision of the Local Act governing the operation of the Harbour.

- 42.2** The Harbour Master proceeded to outline the operational considerations that would need to be taken into account and the complexities of enforcement if a delegation was approved by the Board. It was noted that some navigational dredging was already permitted under the Marine and Coastal Act 2009 subject to complying with various conditions but larger scale activities would need a licence. The Board considered that operationally it was preferable that such applications for larger scale operations should continue to be dealt with through the MMO and it was therefore **RESOLVED** that:

As local mooring providers can dredge within existing exemptions afforded for navigational dredging there should be no need to extend the statutory LHB licence to clubs or marinas within the harbour for these purposes and that larger scale operations should continue to be dealt with through the MMO.

43. PUBLIC FORUM

There were nine members of the public present.

- 43.1 Mrs Boyce stated that, in her opinion, dredging was very much the business of the Board and questioned the Board's decision regarding the delegation of power relating to dredging activity. She explained that the Littlehampton Yacht Club had made their request to carry out this work at their own risk and were trying to help maintain the harbour. She therefore asked the Board to reconsider its decision on this matter.
- 43.2 In response, the Chairman stated that the Board's decision as resolved at this meeting would stand.
- 43.3 Referring to the Minute 19.9 of the meeting held on 23rd May 2016, Mr Boyce stated that in his opinion, the question had been inaccurately recorded and did not reflect what had been asked. Quoting from legislation that required all public bodies to record for accuracy their proceedings, he stressed the need for the proceedings to be recorded accurately and stated that it should not be incumbent upon the public to provide questions in writing.
- 43.4 Mr Chapman asked why the Board needed to recruit another Marine Operations Assistant.
- 43.5 In response, the Harbour Master clarified that the member of staff currently employed in this role had resigned.
- 43.6 Referring to a motor yacht currently moored at Pier Road, Mr Warren commented on the poor state of the vessel and asked what the Board proposed to do about it.
- 43.7 In response, the Harbour Master stated that the mooring fees had been paid and that there was no case for intervention.
- 43.8 Mr Draffan, in his capacity as Managing Agent for the Angmering Park Estate, stated that it had been four months since the Estate had written to the Board regarding the unilateral disposal of shingle. He asked for an explanation of the delay and when the Estate could expect a response.
- 43.9 The Chairman agreed to take this matter forward and provide a response to the Estate.
- 43.10 Regarding the Board's decision relating to the delegation of power in respect of dredging activity, Mr Boyce asked who the Board had dealt with at the MMO and if there was any correspondence supporting the conversations that had been held with them.
- 43.11 The Clerk confirmed that she had spoken to the same officer at the MMO as Osborne of Arun and that her discussions had formed the basis of the conclusions in the report to the Board.
- 43.12 Mr Boyce contended that the Board had been misled in this matter and stated that there had been further MMO advice after the 20th May 2016. He therefore asked whether this had been taken into account and that the Board review all its correspondence on the matter and contact the MMO again for further advice.
- 43.13 It was noted that the report to the Board had been prepared on 17th June 2016 and that the Clerk had spoken to the MMO just prior to the report being prepared.

44. EXEMPT BUSINESS

It was **RESOLVED** that:

Due to the confidential nature of the following items to be considered, that the public and accredited representatives of the press and other media be excluded from the meeting on the grounds that they involve the likely disclosure of business of personal information relating to an individual, the business of third parties and/or legal proceedings.

**SUMMARY OF MATTERS DISCUSSED IN THE
EXEMPT PART OF THE AGENDA**

45. THE CONFIDENTIAL AND EXEMPT MINUTES OF THE MEETING HELD ON 23RD MAY 2016

It was **RESOLVED** that the confidential and exempt minutes of the meeting held on 23rd May 2016 (previously circulated to Members of the Board only) be confirmed as a true record and signed by the chair.

46. ALLEGATION OF DISORDERLY CONDUCT

The Board received and considered a report (previously circulated to Members of the Board only) regarding an allegation of disorderly conduct. Following a discussion on the matter the board **RESOLVED** that it was Harbour Board policy that any intimidation and / or inappropriate behaviour at its meetings held in public would not be tolerated.

47. UPDATE ON THE POSITION REGARDING THE HEADS OF TERMS AGREEMENT

The Board received an update on the ongoing discussions with Osborne of Arun Group Management Ltd and **RESOLVED** to reaffirm the Heads of Terms as agreed and signed at the meeting that took place on 24th November 2015 and that the agreed matters are now further proceeding as a result of the approval of the Section 43 as presented to the Board at this meeting.

The meeting closed at 11.39 am.

_____ **CHAIR**